

October 14, 2016

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

RE: Response to Public Notice DA 16-1137

Dear Secretary Dortch:

Pursuant to 47 CFR §§ 1.415 and 1.419, the National Federation of the Blind (NFB) submits this reply in response to the joint petition submitted by the American Council of the Blind (ACB), the American Foundation for the Blind (AFB), and the National Association of Broadcasters (NAB) for an additional eighteen month extension of waiver of accessible emergency information requirements, MB Docket No. 12-107¹. This is a requirement that broadcasters have known about for more than three years, and any additional delay is not only unnecessary, but also unjust. We respectfully request that the Commission grant no longer than a twelve month extension, with an additional request that no further extensions be granted following the conclusion of that period. We also request that any extension contain a requirement for quarterly progress reports and presentations.

We strongly dispute the arguments regarding the aural description of non-textual information, such as radar maps, made by the joint petition on multiple points. First and foremost, the primary argument made within the petition is contradictory. The petition claims that visual, non-textual information is “duplicative” of information that is already provided via the aural description of the accompanying emergency alert crawl². The petition further states that, “the important details about an emergency and how to respond that may be conveyed by a map are already contained in a crawl in virtually all cases, rendering much of the visual emergency information superfluous,”³ and that these maps are merely provided to “improve clarity, not to convey separate information.”⁴ However, in the NAB’s petition for the current eighteen month extension filed on March 27, 2015⁵, the argument is made that a forced removal of these images on the basis of inaccessibility would be “to the detriment of all viewers.”⁶

¹ Joint Petition for Extension of Limited Waiver of the American Council of the Blind, the American Foundation for the Blind, and the National Association of Broadcasters, MB Docket No. 12-107 (Sep. 2, 2016)(Joint Petition).

² Joint Petition at 4.

³ Joint Petition at 5.

⁴ Ibid.

⁵ Petition for Temporary Partial Exemption and Limited Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (Mar. 27, 2015) (NAB Petition).

⁶ NAB Petition at 10.

The recently filed joint petition furthers this insulting double standard. When again faced with the threat of having to remove maps and other graphics from news alerts because they are inaccessible to the blind, the ACB, AFB, and NAB state that “broadcasters do not want to deprive viewers of this information.”⁷ If the information conveyed by the maps and other graphics is both “duplicative” and “superfluous,” then it is impossible to argue that the removal of those maps and graphics would be “to the detriment” of viewers and “deprive” them of information. We argue that the inclusion of radar maps and graphics within these news alerts is important, and that they do provide critical information to viewers, in which case, they must be made accessible.

We also believe that the joint petition greatly over-complicates the process by which to create aural descriptions for images. The petition states, “vendors remain stymied by the challenge of automatically creating descriptions for radar maps and other moving graphics that are generated by software that does not contain text files that can be converted into speech.”⁸ However, having a program that “automatically” creates a description is not the only viable solution, although the petitioners may see it as the most convenient one. Instead, a minimal amount of human intervention to create alternate text to describe the images or graphics displayed in the emergency alert crawl would solve the problem. A hypothetical example would be:

Image: Radar map shows a severe storm front stretching from City A in the northeast to City B in the southwest. Front is moving southeast at approximately twenty miles per hour. Cities C, D, and E are in the path of the storm.

Alternate text descriptions such as this are widely used to describe photos, graphics, and videos on websites in order for screen reading software to describe the images to blind users. A proper alternate text description usually takes no more than a few minutes to create, depending on the complexity of the image being described.

Furthermore, we believe that the inclusion of these aural descriptions would be beneficial to more than just blind and visually impaired viewers. Aural description of radar maps would assist viewers who may not understand the information displayed on the map by describing exactly what it means. Some viewers merely see areas of different swirling colors on a map, with only a vague idea of what those colors actually represent as far as weather patterns and activity are concerned. With an aural description of the map as it appears on screen, any questions or concerns the viewer had would be answered.

In conclusion, we request that the ACB, AFB, and NAB joint petition for an additional eighteen month extension of the waiver be denied. If an extension is to be granted at all, we strongly urge the Commission to extend the waiver no more than twelve months in order for a solution to be determined. We also urge the Commission to grant no further waiver extensions at the conclusion of this twelve month period. Additionally, we

⁷ Joint Petition at 6.

⁸ Joint Petition at 5.

request that any further extension contain a requirement for quarterly progress reports and presentations.

Sincerely,

Mark A. Riccobono
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